

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NATHAN DOUGLAS LAWRENCE,

Plaintiff

Case No. 3:19-cv-00284-MMD-WGC

ORDER

v.

ELKO COUNTY, et al.,

Defendants

I. DISCUSSION

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by an individual who has been released from the custody of the Nevada Department of Corrections (“NDOC”). Plaintiff submitted an application to proceed *in forma pauperis* for prisoners. (ECF No. 1). As Plaintiff has now been released for NDOC custody, the Court issued an Order requiring Plaintiff to update his address and file an application to proceed *in forma pauperis* by a non-prisoner. (ECF No. 14). It appears from the docket that Plaintiff did not receive the Court’s Order. (See ECF No. 15). Although Plaintiff filed a change of address, he did not file an application to proceed *in forma pauperis* by a non-prisoner. Because it appears that Plaintiff did not receive the Court’s previous Order, the Court now directs Plaintiff to file an application to proceed *in forma pauperis* by a non-prisoner within thirty (30) days from the date of this order or pay the full filing fee of \$400.

Plaintiff has also filed a document entitled supplement to count II (ECF No. 13), as well as several other documents containing demands for jury trial, statements explaining his kites, or additional exhibits. (ECF Nos. 6, 8, 9, 10, 11, 12, 13.)¹ The Court will not piecemeal Plaintiff’s complaint together from multiple filings. Plaintiff’s operative complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit. To the extent that Plaintiff’s various filings can be construed as

¹ ECF Nos. 8, 9, 10, 11, and 12 are identical and were filed on the same day. It appears that the same document was filed repeatedly by accident.

1 requests to supplement his complaint, they are denied. The Court grants Plaintiff leave
2 to file a fully complete first amended complaint within 30 days. If Plaintiff does not file a
3 fully complete amended complaint, the court will screen his complaint (ECF No. 1-1) and
4 will not consider any allegations in Plaintiff's other filings.

5 If Plaintiff chooses to file a first amended complaint, he is advised that a first
6 amended complaint supersedes (replaces) the original complaint and, thus, the first
7 amended complaint must be complete in itself. See *Hal Roach Studios, Inc. v. Richard*
8 *Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that "[t]he fact that a party
9 was named in the original complaint is irrelevant; an amended pleading supersedes the
10 original"); see also *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding
11 that for claims dismissed with prejudice, a plaintiff is not required to reallege such claims
12 in a subsequent amended complaint to preserve them for appeal). Plaintiff's first
13 amended complaint must contain all claims, defendants, and factual allegations that
14 Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff must file the first amended
15 complaint on this Court's approved prisoner civil rights form, and it must be entitled "First
16 Amended Complaint."

17 **II. CONCLUSION**

18 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
19 Plaintiff the approved form application to proceed *in forma pauperis* by a non-prisoner, as
20 well as the document entitled information and instructions for filing an *in forma pauperis*
21 application.

22 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,
23 Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis* for
24 non-prisoners; or (2) pay the full filing fee of \$400.

25 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
26 dismissal of this action may result.

27 IT IS FURTHER ORDERED that to the extent that Plaintiffs various filings (can be
28 construed as requests to supplement the complaint, (ECF Nos. 6, 8, 9, 10, 11, 12, 13),

1 they are denied. Plaintiff is granted leave to file a fully complete first amended complaint.

2 IT IS FURTHER ORDERED that, if Plaintiff chooses to file a first amended
3 complaint, Plaintiff will file the first amended complaint within 30 days from the date of
4 entry of this order.

5 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
6 approved form for filing a § 1983 complaint, instructions for the same, and a copy of his
7 complaint (ECF No. 1-1) and a copy of his other non-duplicative filings (ECF Nos. 6, 8,
8 13). If Plaintiff chooses to file a first amended complaint, he must use the approved form,
9 and he will write the words "First Amended" above the words "Civil Rights Complaint" in
10 the caption.

11 IT IS FURTHER ORDERED that, if Plaintiff does not timely file a first amended
12 complaint, the Court will screen the original complaint (ECF No. 1-1) only and strike
13 Plaintiff's other filings (ECF Nos. 6, 8, 9, 10, 11, 12, 13) from the docket.

14 DATED: April 21, 2020.

15 *William G. Cobb*
16 UNITED STATES MAGISTRATE JUDGE
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